

B<sub>1</sub> wherein the cells of the explant are not subjected to enzymatic digestion or partial enzymatic digestion of their cell walls and the transgene is stably integrated into a chromosome of a cell of the transformed explant.

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B<sub>2</sub> 7. (Amended) The method of claim 1, wherein a nucleic acid encoding a marker is also electroporated in step b.

8. (Amended) The method of claim 6, wherein a nucleic acid encoding a marker that is on a separate DNA molecule than the at least one transgene is also electroporated in step b.

9. (Amended) A method of producing a transgenic plant comprising the steps of:

- a. culturing an explant of a plant in nutritive medium;
- b. electroporating the cultured explant and at least one transgene with a pulse length of from about 50 to about 500 milliseconds to produce a transformed explant, wherein the cells of the explant are not subjected to enzymatic digestion or partial enzymatic digestion of their cell walls and the transgene is stably integrated into a chromosome of a cell of the transformed explant; and
- c. regenerating the transgenic plant from said transformed explant.

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15. (Amended) The method of claim 9, wherein a nucleic acid encoding a marker is also electroporated in step b.

B<sub>3</sub> 16. (Amended) The method of claim 9, wherein a nucleic acid encoding a marker that is on a separate DNA molecule than the at least one transgene is also electroporated in step b.

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Cont

17. (Amended) The method of claim 16, wherein the transgenic plant lacks the nucleic acid encoding a marker.

18. (Amended) The method of claim 16, wherein the nucleic acid encoding a marker encodes isopentenyl transferase.

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Please cancel claims 21 to 27 and 35 to 43, without prejudice to their presentation in a continuing patent application.

#### REMARKS

Claims 1 to 43 are pending in this patent application. Claims 1, 7 to 9, and 15 to 18 have been amended, and claims 21 to 27 and 35 to 43 have been cancelled, herein. Following entry of the amendments, claims 1 to 20 and 28 to 34 will be pending in the application.

Claim 1 has been amended to recite a method for transforming a plant with *at least one* transgene, rather than reciting a method for transforming a plant with a transgene, and thus even more clearly recites the claimed subject matter. Claims 8 and 16 have also been amended to recite *at least one* transgene. Support for the amendments is found in the specification as filed at, for example, the first full paragraph of page 7.

Applicants respectfully request reconsideration of the rejections of record in view of the foregoing amendments and the following remarks.